

EXHIBIT 5

**Version with
confidentiality
designations
removed of Dkt.
1112-6**

Comparing Injunctive Relief Plaintiffs Sought to Agreed Remediation in Settlement Agreement

Injunctive Relief Requested in Fourth Amended Complaint (Dkt. 886 at 72)	Injunctive Relief Requested in Class Cert Motion (Dkt. 609 at 24)	Injunctive Relief Requested in Pre-Trial Statement (Dkt. 1028-1 at 9–11)	Agreed Remediation in Settlement Agreement (Dkt. 1097-3 at 7–9)
[P]ermanently restrain Defendant, and its officers, agents, servants, employees and attorneys, from intercepting, tracking, or collecting communications after class members used a browser while in “private browsing mode,” or otherwise violating its policies with users, and award all other appropriate injunctive and other equitable relief	[P]reclude Google from further collecting private browsing information	Refrain from collecting any private browsing data unless Google complies with the above requirements and also adds a consent toggle to the Splash Screen that allows users to choose whether Google may collect their private browsing data. The Splash Screen should specifically state that if the user consents, then Google “will record, store, and use your browsing activities on non-Google sites that use Google services, even if you remain signed out of your Google account,” and that “your activity may only be private from users of the same device.” For users who do not so consent, Google shall present a real choice, and redesign its systems to stop collecting data from those browsing sessions.	Modify the Incognito Screen to make clear that Incognito mode won’t change how data is collected by websites you visit and the services they use, including Google.

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		<p>Refrain from collecting any private browsing data unless Google complies with the above requirements and also modifies the “Learn More” page to the Splash Screen by disclosing:</p> <ul style="list-style-type: none"> a. Every way in which Google uses private browsing data. b. That private browsing data is identifying, and that bad actors can identify users through their private browsing data. c. That while Google currently has policies against trying to identify private browsing users, (A) Google can amend that policy at any time, and (B) Google may be required to identify users through their private browsing data in response to demands from the government and/or law enforcement. d. Providing users with actual choices as to how they can prevent Google tracking. 	<p>Modify the Chrome Incognito Privacy Tour linked to the Incognito Screen’s “Learn more” button (the “Chrome Incognito Privacy Tour” page) to clarify that the website users visit and the third party resources on those websites are among the entities to whom users’ activity may be visible in Incognito mode.</p>

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		<p>Refrain from collecting any private browsing data unless Google complies with the above requirements and also revises its Privacy Policy and Chrome Privacy Notice (subject to the limits of the consent toggle described above) to expressly disclose that Google collects and uses private browsing data from users’ visits to non-Google websites, including when users are signed out of their Google accounts. At a minimum, each of those disclosures should inform users that “Google will still record your browsing activities on sites that use Google services when you are using private browsing mode on Chrome as well as the ‘private browsing’ modes for other browsers like Safari and Edge.”</p>	<p>Modify the Privacy Policy to (1) remove or modify the language that Plaintiffs claim is misleading to clarify that the data collection that occurs when users visit third party websites using Google services, described in the Privacy Policy, is not contingent on which browser or mode is being used; and (2) specifically state that using Incognito or another browser’s private browsing mode does not block the data collection (including by Google).</p> <p>Deprecate the Chrome Privacy Notice</p> <p>Deprecate the Chrome White Paper</p>
		<p>Refrain from collecting any private browsing data unless Google complies with the above requirements and also amends its</p>	<p>N/A (no corresponding agreed remediation)</p>

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		Terms of Service to clarify that any and all representations that Google makes regarding private browsing are incorporated into its Terms of Service, and that all such statements shall going forward be deemed contractual.	
		Refrain from collecting private browsing data from users who use non-Chrome private browsing modes. To the extent Google contends that it cannot comply with this requirement alone, ordering Google to approach all other browser companies (including but not limited to Safari and Edge) and to offer to work with those companies to develop a mechanism that will prevent Google from receiving any data associated with users who use those non-Chrome private browsing modes, unless those users specifically consent to Google receiving their private browsing data at the beginning of every private browsing session. Alternatively, Google	N/A (no corresponding agreed remediation)

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		should be required to provide a consent banner on every webpage that contains Google tracking beacons so that users of other private browsing modes have the opportunity to consent to Google collecting and using their private browsing data.	
	[R]equire Google to delete the private browsing information that it previously collected and is currently storing	Delete or refrain from using private browsing data Google is currently storing.	<p>Google will substantially remediate the at issue data by taking the following steps:</p> <ol style="list-style-type: none"> 1. Field-based remediation for at issue private browsing data older than nine months in certain logs . . . 2. . . . Google will shorten the retention period of certain logs such that data older than the new retention period will be deleted wholesale. Data that is retained but older than nine months will be subject to the

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			<p>field-based remediation described in Subsection 2(a)</p> <p>...</p> <ol style="list-style-type: none"> 3. Google agrees not to repopulate the deleted or remediated data in these logs from other sources. 4. Google agrees that the additional representations contained in Exhibit C for its Analytics logs are accurate and incorporated herein. <p>Google will track the efforts required to implement the Data Remediation and deprecation of the four detection bits identified in Exhibit D, and quantify the amount of data deleted or remediated, at the order of magnitude level and provide that information to the extent the Court or objectors request it.</p>

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	[R]equire Google to remove any services that were developed or improved with the private browsing information	Delete or refrain from using any services, products, models, algorithms, experiments, or artificial intelligence that Google built, trained, or developed (in whole or in part) with private browsing data, including downstream services, products, models, algorithms, experiments, and artificial intelligence.	N/A (no corresponding agreed remediation)
	[T]he appointment of an independent third-party to verify that the injunctive relief has been implemented.	[A]ppointment of an independent third-party auditor to verify Google’s compliance with these requirements. Google should seek advance approval from that auditor before making any changes to its policies or practices related to its collection, storage, or use of private browsing data. The Court can maintain oversight over Google’s compliance.	N/A (no corresponding agreed remediation)
		Refrain from using the “Incognito” brand name and “Spy Guy” icon.	N/A (no corresponding agreed remediation)

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		Perform an audit to identify: <ul style="list-style-type: none"> a. all logs that store private browsing data, b. all private browsing detection bits, and c. all purposes for which Google has used private browsing data. 	Google further represents a good faith effort has been made to confirm that no other detection bits exist for inferring Chrome’s Incognito mode and that no other such detection bits have been identified pursuant to such good faith effort.
		Delete or refrain from using all private browsing detection bits.	Google will timely deprecate the four detection bits identified in Exhibit D (i.e., Google will remove them from the code such that the bits will not be logged in the future).
		Refrain from using private browsing data for any revenue-generating purpose including but not limited to conversion tracking and improvement of Google products and services.	N/A (no corresponding agreed remediation)

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		[R]estitution and/or disgorgement for Google’s collection, storage, and use of private browsing data, if available as relief for the Rule 23(b)(2) classes.	N/A (no corresponding agreed remediation)
			Google agrees to maintain the functionality to block third-party cookies in Incognito mode for five years following the Final Approval Order, subject to reasonably necessary subsequent modifications to adapt to legal or regulatory requirements and changes in Google’s policies, practices, or technology.